

OSHA Instruction STD 1-1.13

April 16, 1984

Office of General Industry

Compliance Assistance

SUBJECT: Fall Protection in General Industry: 29 CFR 1910.23(c)(1), (c)(3), and 29 CFR 1910.132(a)

- A. Purpose. This instruction clarifies the applicability of 29 CFR 1910.23(c)(1), (c)(3) and 1910.132(a) where employees are exposed to falling hazards while performing various tasks including maintenance from elevated surfaces.
- B. Scope. This instruction applies OSHA-wide.
- C. Action. Regional Administrators and Area Directors shall ensure that the interpretations in F. and the guidelines in G. of this instruction are adhered to when inspecting general industry facilities where employees are exposed to the hazard of falling from elevated surfaces.
- D. Federal Program Change. This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:
 - 1. Ensure that this change is forwarded to each State designee.
 - 2. Explain the technical content of the change to the State designee as requested.
 - 3. Ensure that State designees are asked to acknowledge receipt of this Federal program change in writing, within 30 days of notification, to the Regional Administrator. This acknowledgment should include a description either of the State's plan to implement the change or of the reasons why the change should not apply to that State.
 - 4. Review policies, instructions and guidelines issued by the State to determine that this change has been communicated to State program personnel. Routine monitoring shall also be used to determine if this change has been implemented in actual performance.
- E. Background. Adjudicated decisions concerning employee exposures to falls from elevated surfaces have been inconsistent. As a result, OSHA has cited employers for violations of 29 CFR 1910.23(c)(1) or of Section 5(a)(1) of the OSH Act when employees have been engaged in various tasks which include inspections, service, repairs and maintenance on elevated surfaces such as, but not limited to, conveyers, tops of machinery and other structures not normally considered "walking and working" surfaces.
 - 1. Although 29 CFR 1910.23(c)(1) requires the safeguarding of "platforms" used by employees, there has been disagreement as to when an "elevated surface" constitutes a platform within the meaning of the standard.
 - 2. In at least one instance (General Electric Company v. OSHRC, 583 F. 2d 61 (2d Cir. 1978) the court noted the need for increased clarity of definition OSHA regarding its intended meaning of the term "platform". Therefore, this instruction clarifies and defines the conditions and circumstances under which a "platform" is deemed to exist, and where the requirements of 29 CFR 1910.23(c) apply.
- F. Interpretation. The following interpretations are established for uniform enforcement and application of G. of this instruction.

1. Platforms are interpreted to be any elevated surface designed or used primarily as a walking or working surface, and any other elevated surfaces upon which employees are required or allowed to walk or work while performing assigned tasks on a predictable and regular basis (See 29 CFR 1910.21(a)(4) for definition of "platform".)
 2. Predictable and regular basis means employee functions such as, but not limited to, inspections, service, repair and maintenance which are performed:
 - a. At least once every 2 weeks, or
 - b. For a total of 4 man-hours or more during any sequential 4-week period (e.g., 2 employees once every 4 weeks for 2 hours = 4 man-hours per 4-week period).
- G. Guidelines. The following guidelines are established for the uniform enforcement of 29 CFR 1910.23(c)(1), 1910.23(c)(3) and 1910.132(a) regarding employee exposures to falls from elevated surfaces.
1. Employee exposures to falls from platforms (interpreted in F.1.) are regulated by the following OSHA standards:
 - a. 29 CFR 1910.23(c)(1), or
 - b. 29 CFR 1910.23(c)(3).
 2. In situations where the safeguarding requirements of G.1. are not applicable because employees are exposed to falls from an elevated surface other than a predictable and regular basis, personal protective equipment as required by 29 CFR 1910.132(a) or other effective fall protection shall be provided.

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